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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,300	01/25/2005	Hendrikus Albertus Johanna Looijmans	NL 020689	1501
24737	7590	06/02/2006	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			NGUYEN, LINH THI	
P.O. BOX 3001			ART UNIT	PAPER NUMBER
BRIARCLIFF MANOR, NY 10510			2627	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/522,300

Applicant(s)

LOOIJMANS ET AL.

Examiner

Linh T. Nguyen

Art Unit

2627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 January 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-17 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-17 of U.S. Publication No.

2005/0265137. Although the conflicting claims are not identical, they are not patentably distinct from each other because all the features recited in claims 1-17 of the present application are included in claims 1-15 of the US Publication No. 2005/0265137, despite a slight difference in wording.

In regards to claim 1-17, are directed to an invention not patentably distinct from claims 1-15 of US Publication No.2005/0265137. Specifically, US Publication 2005/0265137 claims all the features claimed in the previously listed claims except for

the detection of vibrations, however, it is obvious that due to a detection of vibration the sledge will substantial deceleration or acceleration or stop depending if the vibration is above/below the threshold.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 8-10, and 16 are rejected under 35 U.S.C. 102(b) as being unpatentable by Ota et al (US Patent Number 6009053).

In regards to claims 1 and 9, Ota et al discloses in a disc drive apparatus of a type comprising: radially displaceable scan means (Fig. 1, elements 4 and 4s), comprising: a sledge radially displaceable with respect to an apparatus frame (Fig. 1, element PU); a platform radially displaceable with respect to said sledge (Fig. 1, element 4s is respect to PU); a method for detecting vibrations (Fig. 1 element 12), the method comprising the step of detecting a radial displacement of said platform with respect to said sledge (Column 3, lines 36-40).

In regards to claims 2 and 10, Ota et al discloses a method and apparatus according to claim 1, for use in a disc drive apparatus comprising an electromagnetic device in an actuator for displacing said platform with respect to said sledge, the

method comprising the step of detecting a back-EMF in said electromagnetic device (Column 3, lines 35-40).

In regards to claim 8, Ota et al discloses a method of setting a rotational speed of a disc drive apparatus, comprising the steps of: selecting an initial rotational speed (Column 4, lines 11-12); detecting any vibration with a method according to any of the previous claims (Fig. 1, element 12); increasing the rotational speed if the detected vibration is below an acceptability level (Column 4, lines 21-28); decreasing the rotational speed to a previous acceptable rotational speed if the detected vibration is above an acceptability level (Column 4, lines 40-44).

In regards to claim 16, Ota et al discloses an apparatus according to claim 1, wherein said control unit is designed, in an initializing phase, to set the rotation speed of the rotating means at an initial value (Column 4, lines 12-13); to check the amplitude of any vibration of the platform with respect to the sledge (Column 4, lines 17-20); to increase said rotational speed if the intensity of the detected vibration is below an acceptability level (Column 4, lines 21-29); to decrease said rotational speed to a previous acceptable rotational speed if the intensity of the detected vibration is above an acceptability level (Column 4, lines 40-45); to set the operational rotational speed of said rotating means to be equal to said previous acceptable rotational speed (Column 4, lines 45-50) or, if no unacceptable vibration is detected, to be equal to the maximum rotational speed (8x) of the apparatus (Column 4, lines 21-23).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-7, 11-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ota et al in view of Seiji (JP Publication 2001067680).

In regards to claims 3 and 11, Ota et al does not but Seiji discloses a method and apparatus, for use in a disc drive apparatus (Fig. 1) comprising an optical system for scanning a disc (actuator), the optical system defining an optical path (radially) of which at least a part is substantially fixed with respect to the sledge (Paragraph [0033]) and comprising an optical element (objective lens) which is fixed with respect to the platform (Fig. 1, element 2, it is inherent that there is a platform to hold up the lens); the method comprising the step of detecting an optical read signal and deriving therefrom an X-displacement signal (Paragraph [0035], lines 7-10). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine Ota et al method to detect a read signal to therefrom derive an X-displacement signal as taught by Seiji et al. The motivation for doing so would have been to operate an actuator controller so as to reduce respective speed (abstract, lines 5-6).

In regards to claims 4 and 12, Ota et al does not but Seiji et al discloses a method, wherein an actuator is activated such as to counteract a radial displacement of said platform with respect to said sledge; the method comprising the step of detecting an actuator control signal (Paragraph [0035]). At the time of the invention it would have been obvious to a person of ordinary skill in art to combine Ota et al method to detect an actuator control signal as taught by Seiji. The motivation would have been the same as claim 3 above.

In regards to claim 5, Ota et al does not but Seiji et al discloses a method, further comprising the step of filtering (Fig. 1, element 23; Paragraph [0012], lines 1-2) said X-displacement signal or said actuator control signal (Fig. 1, element 19), respectively, in association to a disc rotation frequency (Paragraph [0030], lines 5-8). At the time of the invention it would have been obvious to a person of ordinary skill to combine Ota et al method to detect the X-displacement or actuator control signal respectively to a disc rotation frequency at taught by Seiji et al. The motivation for doing so would have been to accurately detect the signals.

In regards to claims 6 and 14, Ota et al does not but Seiji et al discloses a method according to claim 3, further comprising the step of providing a rectified X-displacement signal or rectified actuator control signal, respectively, indicating the amplitude of said X-displacement signal or said actuator control signal, respectively (Paragraph [0029]). At the time of the invention it would have been obvious to person of

ordinary skill in the art to combine Ota et al method to rectified actuator control signal as taught by Seiji. The motivation for doing so would have been to adjust the signal correctly.

In regards to claims 7 and 17 Ota et al does not but Seiji et al discloses a method and apparatus, wherein the sledge is kept pressed against a frame or a stop fixed to said frame (Fig. 1, element 5). At the time of the invention it would have been obvious to a person of ordinary skill in the art to combine the method of Ota et al to have a sledge against a frame as taught by Seiji et al. The motivation for doing so would have been to create a boundary and easy stop the sledge.

In regards to claim 13, Ota et al does not but Seiji et al discloses an apparatus according, further comprising an adaptable filter means having an input receiving a detector output signal or said actuator control signal, respectively (Paragraph [0030], lines 1-3); the filter means further having a command input coupled to receive a signal representing the rotation frequency of said DISK (Paragraph [0030], lines 3-8), and having an output for providing a filtered detector signal (Paragraph [0030], lines 9-10). At the time of the invention it would have been obvious to a person of ordinary skill the art to modify Ota et al apparatus to detect the X-displacement or actuator control signal respectively to a disc rotation frequency at taught by Seiji et al. The motivation for doing so would have been to accurately detect the signals.

In regards to claim 15, Ota et al does not but Seiji et al discloses an apparatus, further comprising a control unit for controlling said rotating means; said control unit being responsive to said radial displacement detection means to reduce the speed of said rotating means when said radial displacement detection means indicates that said platform vibrates with respect to said sledge with too large an amplitude (Column 4, lines 45-50). At the time of the invention it would have been obvious to a person of ordinary skill in the art to modify the apparatus of Ota et al to have a control unit to detect the displacement and reduce the speed in respect to a large amplitude as taught by Seiji et al. The motivation would have been to perform a stable pull-in operation even when an external vibration occurs (see abstract).

Conclusion

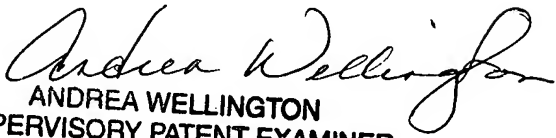
7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. Wellington can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2627

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN
May 23, 2006


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER